IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

LA.App..No. 1275 of 2007()

LAR.46/2003 of I ADDL.SUB COURT,TRIVANDRUM
.....

APPELLANT: RESPONDENT IN LAR
---

1. STATE OF KERALA
(THE SPL.TAHSILDAR, LA (NH),
KESAVADASAPURAM, THIRUVANANTHAPURAM)
REP. BY DISTRICT COLLECTOR, THIRUVANANTHAPURAM.

2. THE EXECUTIVE ENGINEER, PWD,
N.H.DIVISION, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SMT.K.R.DEEPA

RESPONDENTS: CLAIMANT IN L.A.R.

D.JAYASREE, M.D.BHAVAN, MANNANTHALA,
THIRUVANANTHAPURAM.

BY

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 22/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & T.R.RAMACHANDRAN NAIR, JJ.

L.A.A.No.1275 of 2007

Dated this the 22nd day of August, 2007

JUDGMENT

Kurian Joseph,J.

This appeal is filed against the judgment and decree in L.A.R.No.46/2003 on the file of the Sub Court, Trivandrum. The acquisition is for the purpose of widening of M.C.Road from Kesavadasapuram to Mannanthala Reach-I. Section 4(1) notification is dated 30-3-1998. It is seen from the judgment that the reference court has placed reliance on the judgment and decree in L.A.R.No.10/2002 and L.A.R.No.21/2002. It is brought to our notice that the State has not filed any appeals against those judgments. Therefore, it is not necessary to disturb the land value fixed by the reference court. The learned Government Pleader however, contended that the reference court went wrong in granting enhancement for the value of structure. The claimants had a claim for Rs.3 lakhs for the building. The Land Acquisition Officer granted only Rs.46,898/-. The reference court found that the calculation made by the Land Acquisition Officer

on the valuation for structure was not proper and hence a nominal enhancement to the tune of Rs.28,102/- was granted by the reference court. In the facts and circumstances of the case we do not think that the value given for the structure also is in any way unreasonable. Thus there is no merit in the appeal. It is accordingly dismissed.

(KURIAN JOSEPH, JUDGE)

(T.R.RAMACHANDRAN NAIR, JUDGE)

ahg.